March 11, 2013

Senate Committee on Rural Communities and Economic Development
Regarding: SB 633
Relating to the preemption of local laws regulating agriculture.

Dear Committee Members,

It's a fair claim to state that Oregonians take pride in their state and what is produced here. All of Oregon's biggest economic industries strive to differentiate their Oregon-based products as being of superior quality to those produced elsewhere, whether that's hazelnuts, berries, pears, seeds, fish, wine, beer, truffles, cheese, broccoli, Christmas trees or countless others. Every instance of an existing agricultural county ordinance or any of the ones currently in the works are put in place to protect and foster one of these industries that make Oregon special. The large-scale corporations pushing for the passage of SB 633 and HB 3192 are not operating in Oregon to grow something special that Oregon can take pride in. Instead they are here to grow cheap commodity crops and treat Oregon like just another state with dirt they can merely put their seeds in.

Is there anyone out there championing Syngenta's sugar beet seeds as something proudly grown in Oregon or being able fetch an economic premium from being a quality Oregon product? No. They are simply cheap commodity sugar beet seeds that could have been grown anywhere. Flip the coin and there are plenty of people praising Oregon's organic and specialty beta vulgaris seed products, among many others. These products fetch enough of an economic premium to make being a local family farmer a viable financial option for Oregonians. Syngenta's sugar beet seed plots directly put at risk all other neighboring organic and specialty seed growers cultivating other beets and chards, thus threatening the livelihood of many Oregon family farmers. Local ordinances such as Jackson County's upcoming GMO ban aim to protect its citizens in this exact situation.

The state pre-emption in SB 633/HB 3192 tries to block the ability of good local hard-working, tax-paying Oregon farmers and citizens from being able to protect local agricultural industries, economies, and environments that are vital to their health, well-being, and livelihoods.

The backers of SB 633/HB 3192 claim that without passage the state will be riddled with a patchwork of confusing ordinances. However, counties have arguably had the ability all along to create agriculturally-focused ordinances (if they haven't, then what is the need for this bill?). Is there a patchwork of confusing ordinances? No. Instead, in two very specific pear-growing regions of the state, there are local ordinances that help protect the livelihoods of the fruit farmers in those counties. By continuing to allow counties to address agricultural issues that matter to the citizens who live and farm in those counties, the network of ordinances that emerge will make logical sense based on the agricultural economies that flourish in that given region of the state.

Forcing agricultural issues to be addressed only at the state level hinders the ability of one region's farmers to get their concerns addressed. Why should a beta vulgaris issue in Jackson County bother or even have an impact on people in Baker County? If SB 633/HB 3192 were to become law, Jackson County farmers would have to make the Representatives and Senators and possibly even the citizens of Baker County care about their issue. That's nearly an impossible feat and a challenge that Jackson county farmers shouldn't have to face. It's very plausible that in the near future all winter wheat farmers in Umatilla County could need to guarantee to overseas markets that all their exports are GMO Free. A significant concern already exists: Japan, the largest buyer of Oregon's wheat crops, has already declared they would seek wheat suppliers elsewhere if anyone here in Oregon starts growing GM wheat. Those exports are a vital part of the economies in Oregon's wheat-growing counties. Being able to pass a local ordinances to protect those counties from a non-Oregon corporation such

as Monsanto coming in and planting crops that jeopardize the livelihoods of our Oregon family farmers seems beyond logical, and is of critical importance.

Article VI, Section 10 of the Oregon Constitution as well as ORS 203.035 grant counties authority "over matters of county concern", but not matters over statewide concern. If a county is establishing an ordinance limiting a particular agricultural crop within its boundary, and not beyond it, that is clearly a matter of county concern and has no bearing on statewide concerns. The ordinance limiting a crop is not broadening statewide concerns and allowing something the state denies, but rather narrowing the concern for the tighter level of control that its citizens desire. ORS 203.035 further states that the power it grants to counties "shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state." Nowhere is there an exemption in the Constitution of the Unites States nor the State of Oregon or its laws that excludes agriculture from this authority. Tampering with this authority as SB 633/HB 3192 attempts to do is not a decision to be taken lightly, and arguably the fundamental right to self-govern and that all governments are created to serve the people should supersede and outweigh any interest in letting SB 633/HB 3192 take this authority away.

While SB 633/HB 3192 is targeted primarily at preventing the Jackson County GMO ban and similar local ordinances, the canola issue is a ripe example of state-level agencies failing to address matters of local concern. In the face of overwhelming testimony against allowing canola in the Willamette Valley, including unquestionable proof from other specialty seed growing regions around the world that canola will ruin the Valley (taking with it the lucrative specialty seed and produce economies), the ODA still sided with a handful of farmers and non-Oregon Corporations who want to plant a cheap commodity crop for bio-fuels. The further insult is that canola is not even an efficient bio-fuel crop, as there are other smarter crop choices to grow if bio-fuels are the desired output.

The fact that this bill, SB 633/HB 3192, is having a hearing right now and the Willamette Canola Ban has not had one is further evidence that matters of specific local concern are not being heard, yielded to, or addressed in an effective manner at the state level. The canola issue affects multiple counties simultaneously, so there is a clear reason for it to be addressed at the state level. But if an issue such as canola that affects 9 counties and is clearly supported by the majority of citizens in those counties is having difficulty at the state level, how is a specific issue, which farmers and citizens of single county care about, ever going to get any traction at the state level? We must preserve a county's ability to create ordinances governing matters of county concern, including those that relate to agriculture.

For all the above reasons I strongly urge the you to dismiss SB 633/HB 3192 without passage.

Sincerely yours,

Scott Bates

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